

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BERIT BROWNING,

Plaintiff,

v.

GARRISON PROPERTY AND
CASUALTY INSURANCE COMPANY,

Defendant.

CIVIL ACTION FILE

NO.: _____

Formerly in the Superior Court of
Fulton County, GA
CAFN: 2023CV379268

NOTICE OF REMOVAL

Defendant Garrison Property and Casualty Insurance Company (“Garrison”) pursuant to 28 U.S.C. §§ 1441 and 1446 removes this action from the State Court of Fulton County, Georgia, stating as follows:

1.

This civil action was filed on April 25, 2023, in the State Court of Fulton County, Georgia under the caption *Berit Browning v. Garrison Property and Casualty Insurance Company*, Civil Action No. 2023CV379268 (the “State Court Action”). It was served on Garrison’s registered agent on April 26, 2023. (Exhibit A, attached hereto.) This notice is filed timely as allowed by 28 U.S.C. § 1446(b).

2.

Plaintiff Berit Browning's permanent residence and domicile is in Fulton County, Georgia. Thus, she is a citizen of Georgia for purposes of federal diversity jurisdiction.

3.

Garrison is incorporated under the laws of Texas with its principal place of business in Texas. Thus, Garrison is a citizen of Texas for purposes of federal diversity jurisdiction.

4.

In her complaint, Plaintiff alleges that her property insured by Garrison was damaged in a storm and that the Garrison failed to pay all that was owed under the insurance policy for damages to her dwelling, personal property, and loss of use. (Exh. A ¶¶ 8-10, 14.) Plaintiff further specifically alleges that Garrison wrongly denied coverage for damages to her roof. (Exh. A, ¶ 13.)

5.

Before suit was filed, Garrison estimated plaintiff's covered damages at \$119,238.60. This estimate did not include repairs to the roof as coverage was not extended for such damages. Plaintiff through her general contractors produced a repair estimate totaling to \$534,458.17 and a second estimate for roof repairs alone

totaling \$99,706.71. Before suit was filed, plaintiff served a written demand for an additional \$385,000 over amounts already paid by Garrison. Thus, the amount in controversy exceeds \$75,000.

6.

This case is removable pursuant to 28 U.S.C. § 1441 because the United States District Court has original jurisdiction over this case by reason of diversity of citizenship pursuant to 28 U.S.C. § 1332(a).

7.

Pursuant to 28 U.S.C. §1446(a), this Court is the United States District Court for the district and division embracing the place where the State Court Action is pending and is the appropriate court for removal pursuant to 28 U.S.C. § 1441(a).

8.

Pursuant to 28 U.S.C. §1446(a), a copy of all process, pleadings, and orders served on Garrison is attached hereto as Exhibit A.

9.

Garrison will file a copy of this Notice of Removal with the Clerk of the State Court of Gwinnett County and give prompt written notice of the filing of this Notice of Removal to counsel of record for Plaintiff as required by 28 U.S.C. § 1446(d). (Exhibit B, attached hereto).

WHEREFORE, Garrison removes this matter to this Court.

FREEMAN MATHIS & GARY, LLP

/s/ W. Shawn Bingham

W. SHAWN BINGHAM

Georgia Bar No. 839706

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CERTIFICATE OF SERVICE

This is to certify that I have served the within and foregoing **DEFENDANT’S NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following counsel of record:

Ethan M. Knott
Fellows LaBriola LLP
Suite 2400 Harris Tower
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Atlanta, GA 30303
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This 24th day of May 2023.

/s/ W. Shawn Bingham
W. SHAWN BINGHAM
Georgia Bar No. 839706

Attorneys for Defendant